AREA OF CONCERN

L. V. M. P. D. – Pending

Clark County Business License – Pending

OWNERSHIP

Tony Thomas, dba Diamond Rose Lounge

Officers of the Licensee
100%, Tony G. Thomas - Sole Proprietor/General Manager

LOCATION HISTORY

This will be the first liquor license in this suite at this location.


On October 10, 2008 the Director approved a temporary Banquet Facility License set to expire on December 12, 2008.

On October 22, 2008 the applicant requested a temporary Retail Beer and Wine Liquor License in conjunction with a Category 2 Restaurant.

On November 8, 2008 Enforcement Unit conducted a compliance check for a fundraiser/party. There was a $10 admission fee for entrance. The bar was stocked with liquor and four patrons were observed consuming Bud Light beers. There were 2 open cans of Budweiser at a table. The owners of the establishment were not at the location at the time of the inspection. Notice of Violation #4163 was issued and Maurice C. Johnson (Person who booked the banquet hall) signed for the NOV.

On November 12, 2008, Enforcement Unit met with owner Tony Glenn Thomas at Diamond Rose Lounge. Glenn was issued citations from the incident on 11/08/08. Citation #0076 was issued for allowing the consumption of alcohol inside the establishment without first securing a liquor license and for permitting the sale of alcoholic liquor without first receiving a liquor license. Citation #0077 was issued for charging admission fees for entrance into the establishment without a license and for not keeping an up-to-date master list of employees.

On December 4, 2008, Enforcement Unit contacted owner Tony Thomas regarding the Professional Promoter license. Thomas advised that he would be promoting events for Diamond Rose Lounge and for other establishments.

On December 24, 2008 Department staff met with the applicant and provided him with information concerning his licensing. Tony Thomas was advised that the location was not physically arranged in a manner that would permit the operation of a Retail Beer and Wine Liquor License in conjunction with a Category 2 Restaurant and a Banquet facility based on the
inability to physically separate the customer flow between the restaurant and banquet facility. Mr. Thomas was given the option to apply for a Retail Beer and Wine Liquor License in conjunction with a Category 2 Restaurant, Service Bar Liquor License in conjunction with a restaurant, Supper Club and Service Bar Liquor License/Banquet facility with a Portable Bar.  

Mr. Thomas determined that he would apply for a Retail Beer and Wine Liquor License in conjunction with a Category 2 Restaurant and that no minors would be allowed in the establishment due to the inability to separate the restaurant from the alcohol service area.

On December 29, 2008 Applicant withdrew the Banquet Facility license and has agreed to operate a Retail Beer & Wine in conjunction with a Category 2 Restaurant. Will be charging an admission fee for live entertainment (jazz nights).

On December 30, 2008 Events Catering, LLC was approved for a Liquor Caterer permit at Diamond Rose Lounge, operating as a banquet facility. This event was approved as one-time only event until the liquor license for Diamond Rose Lounge is approved.

**LOCATION SUITABILITY**

There are two (2) schools and one (1) church as defined in Clark County Code Title 30 within 1,500 feet.

Academy for Learning of Las Vegas, 1018 East Sahara Avenue - #D, a school as defined in Clark County Code (CCC) 8.20.450(5)(c) is approximately 1420 feet from this location.

Trinity Christian School, 950 East Sahara Avenue, a school as defined in Clark County Code (CCC) 8.20.450(5)(c) is approximately 875 feet from this location.

The Church of Scientology, 846 East Sahara Avenue, a church as defined in Clark County Code (CCC) 8.20.450(5)(c) is approximately 870 feet from this location.

*Clark County Code 8.20.450(a) states it is unlawful for licensees to sell, serve, give away or distribute alcoholic liquors within 1,500 feet of a church or school. However, after a public hearing, if the Board determines that the issuance of the liquor license will not impair the health, safety, or welfare of the community, the location may be approved.*

*There are sixteen (16) storefront churches that are not individually identified in this density within 1,500 feet of the applicant’s location.*

Pursuant to Clark County Code (CCC) 8.20.450(a) locations within one thousand five hundred feet of churches are deemed unsuitable locations. However CCC 8.20.450(a)(C) states these distance restrictions shall not apply to churches located in shopping centers, commercial complexes or industrial complexes. The sixteen (16) storefront churches are located in a commercial complex; therefore a public hearing is not required for those locations.
The location meets all the requirements of a Category 2 Restaurant, which makes it eligible for a Retail Beer and Wine liquor license. The restaurant area has seating for 22 people at individual tables and a dining counter. There is a solid wall separating the dance floor and restaurant in an adjoining suite at the location.

There are thirty-eight (38) liquor licenses and eight (8) gaming licenses at thirty-one (32) locations within 1,500 feet of the applicant's location. (See attached density survey)

**NOTIFICATIONS OF PUBLIC HEARING**

On December 31, 2008 a Notice of Public Hearing letter was hand delivered to the applicant and sent certified mail to the church and schools.

On January 14, 2009, the licensee was notified by fax and certified mail that the January 20, 2009 Public Hearing was cancelled to allow more time for an audit investigation.

On March 3, 2009, Agent Higgons hand delivered the Notice of Public Hearing to Tony Thomas and informed him that he must appear at the April 7, 2009 Public Hearing. A Notice of Public Hearing Letter was sent by certified mail and was successfully faxed to the churches and schools.

**KEY EMPLOYEE**

Tony G. Thomas is the key employee for the location.

**LEASE AGREEMENT**

On June 19, 2008 a Lease agreement was entered into between NAE, Limited Partnership-General Partner VSCC, Inc a Nevada Corporation (landlord) and James C. Johnson, Halford Elston and Tony Thomas, dba Diamond Rose Lounge (tenant) for a three (3) year term commencing on July 1, 2008.

**OTHER DEPARTMENTAL APPROVALS**

<table>
<thead>
<tr>
<th>Department</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Department</td>
<td>Approved January 2, 2009.</td>
</tr>
<tr>
<td>Fire Department</td>
<td>Approved January 14, 2009.</td>
</tr>
<tr>
<td>Health Department</td>
<td>Approved on November 21, 2008 on license # 2001366.702.</td>
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<tr>
<td>State Gaming</td>
<td>- There is no gaming at the location.</td>
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**ADDITIONAL LICENSES AT THE LOCATION**

<table>
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<tr>
<th>Type of License</th>
<th>License Number</th>
<th>Status</th>
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<tbody>
<tr>
<td>Admission Fees Non Resort</td>
<td>2000402.226.102</td>
<td>Pending</td>
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<tr>
<td>Professional Promoter</td>
<td>2000426.561</td>
<td>Licensed</td>
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</table>
INVESTIGATIVE CONFERENCE

On December 31, 2008, Agent Aranowski and Mr. Thomas reviewed all sections of the Clark County Liquor Code C.C.C. 8.20. Mr. Thomas signed a statement affirming that he was fully briefed on those sections of the code and acknowledged acceptance of the requirements as a liquor licensee and key employee.

A pre-licensing site inspection and a review of the liquor code will be conducted prior to authorization for liquor delivery.

RECOMMENDATION

Staff recommends that the Board conduct a public hearing and approve the suitability of the location for a Retail Beer and Wine Liquor License in conjunction with a Category 2 Restaurant.

Report date: ________________ March 12, 2009
Investigated by: D. Higgons, Special Agent
Reviewed by: Gail Gordon, Supervising Special Agent